

**JUDGE BATTIS  
'07 CIV 7024**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

JOAN DAWSON,

**NOTICE FOR REMOVAL**

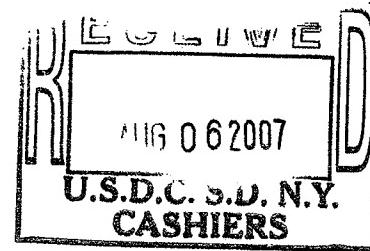
Plaintiff,

- against -

NATIONAL RAILROAD PASSENGER CORPORATION  
d/b/a AMTRAK,

Defendant.

X



Defendant National Railroad Passenger Corporation d/b/a Amtrak ("Amtrak"), through its attorneys, Landman Corsi Ballaine & Ford P.C., respectfully states upon information and belief:

1. On July 17, 2007, defendant received the Summons and Verified Complaint in this action which is currently pending in the Supreme Court of the State of New York, New York County. A copy of the Summons and Verified Complaint is annexed hereto as Exhibit A. This constitutes all prior pleadings/orders served upon defendant to date.

2. According to the Verified Complaint, on August 22, 2005, plaintiff Joan Dawson allegedly sustained personal injuries at the premises known as Penn Station located at 33<sup>rd</sup> Street and Seventh Avenue, New York, New York while attempting to board defendant Amtrak's train.

3. Amtrak is removing this action because defendant Amtrak was created by an Act of Congress, 49 U.S.C. § 24101, et seq., and more than one-half its capital stock is owned by the United States. Thus, the above-described action is a civil action of which this Court has original jurisdiction under the provisions of Title 28, U.S.C. §§ 1331 and 1349 and is one which may be removed to this Court by the defendant therein, pursuant to the provisions of Title 28, U.S.C. § 1441.

WHEREFORE, defendant Amtrak prays that the action now pending against it in the Supreme Court of the State of New York in and for the County of New York be removed therefrom

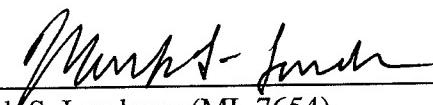
Supreme Court of the State of New York in and for the County of New York be removed therefrom  
to this Court.

Dated: New York, New York  
August 6, 2007

Respectfully submitted,

LANDMAN CORSI BALLAINE & FORD P.C.

By:

  
\_\_\_\_\_  
Mark S. Landman (ML 7654)  
Attorneys for Defendant Amtrak  
120 Broadway, 27th Floor  
New York, New York 10271-0079  
(212) 238-4800

# EXHIBIT A

Purchased on 7-5-07  
 Index No. 109245/07  
 Plaintiff designates  
 New York

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

JOAN DAWSON,

AC

Plaintiff

against

NATIONAL RAILROAD PASSENGER  
CORPORATION d/b/a AMTRAK,

Defendant

The basis of the venue is  
 Place of occurrence and  
 defendant's principal  
 place of business

Summons

Plaintiff resides at  
 99 Rowayton Woods Drive  
 Norwalk, CT 06854  
 County of Fairfield

To the above named Defendant

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated, June 12, 2007

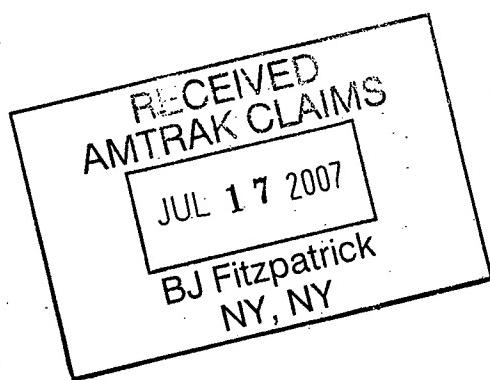
Defendant's address:

400 West 31st Street  
New York, NY

LAW OFFICES OF GARY S. PARK

Attorney(s) for Plaintiff  
 Office and Post Office Address

60 East 42nd Street, Suite 2231  
 New York, NY 10165  
 (212) 684-1422



NEW YORK  
 COUNTY CLERK'S OFFICE

JUL 5 2007

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NEW YORK  
COUNTY CLERK'S OFFICE

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

JUL 5 2007

JOAN DAWSON,

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Index No. 109245/07

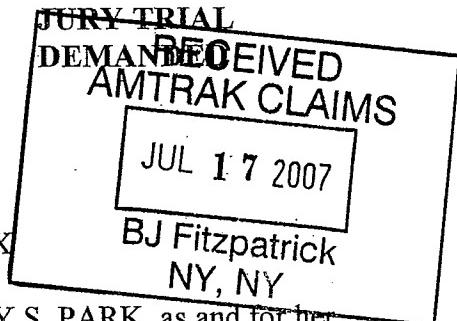
Plaintiff,

VERIFIED COMPLAINT

-against-

NATIONAL RAILROAD PASSENGER  
CORPORATION d/b/a AMTRAK,

Defendant.



Plaintiff, by her attorneys, LAW OFFICES OF GARY S. PARK, as and for her

Verified Complaint hereby sets forth and alleges upon information and belief, as follows:

1. That, at all times hereinafter mentioned, and on or about August 22, 2005, the plaintiff, **JOAN DAWSON**, was and still is a resident of the Town of Norwalk and State of Connecticut.
2. That, at all times hereinafter mentioned, and on or about August 22, 2005, the defendant, **NATIONAL RAILROAD PASSENGER CORPORATION d/b/a AMTRAK** (hereinafter referred to as "**AMTRAK**") was and still is a corporation organized and existing by virtue of an act of Congress 45 U.S.C. Section 501 *et seq.*
3. That, at all times hereinafter mentioned, and on or about August 22, 2005, the defendant, "**AMTRAK**", was and still is a foreign corporation authorized to conduct business in the State of New York..
4. That, at all times hereinafter mentioned, and on or about August 22,

2005, the defendant, "AMTRAK", was and still is a common carrier by rail engaged in interstate commerce between different states in the United States.

5. That, at all times hereinafter mentioned, and on or about August 22, 2005, the defendant, "AMTRAK", was the owner of the premises known as Penn Station, located at 33rd Street and Seventh Avenue, New York, New York including Track 12 NYP and/or 7 Main Line NYP and their platforms.

6. That, at all times hereinafter mentioned, and or about August 22, 2005, the defendant, "AMTRAK", its agents, servants and/or employees operated, maintained, managed and controlled the aforementioned premises.

7. That, the Plaintiff purchased a coach ticket on the defendant's railroad for a trip from New York City to Pittsburgh, Pennsylvania.

8. That, the Plaintiff while attempting to board the defendant's AMTRAK Train number 43 at the aforementioned location was caused to and did fall, sustaining severe and serious injuries as a result of the negligence and carelessness of the defendant, its agents, servants and/or employees.

9. That the Plaintiff, **JOAN DAWSON**, was lawfully and properly present at the aforementioned premises.

10. That, the aforementioned injuries to the plaintiff, **JOAN DAWSON** was caused wholly and solely as a result of the negligence, recklessness, and carelessness of the defendant, its agents, servants and/or employees, in the ownership, operation, maintenance, management, supervision and control of the aforementioned business and premises, and without any negligence on the part of the plaintiff, contributing thereto.

11. That the defendant owed to the plaintiff the duty of reasonable care and to obey the rules for common carriers under the law.

12. That the defendant breached the duty of reasonable care.

13. That, by reason of the foregoing, the plaintiff, **JOAN DAWSON**, was injured; was rendered sick, sore, lame and disabled; was caused to undergo hospital and medical treatment and advice; was unable to pursue her regular activities, and upon information and belief, her injuries are permanent in nature and effect.

14. That, this action falls within one or more of the exceptions set forth in Section 1602 of the CPLR.

15. That, by reason of the foregoing, the plaintiff, **JOAN DAWSON**, has sustained damages which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**WHEREFORE**, the plaintiff, **JOAN DAWSON**, demands judgment against the defendant in an amount to be determined upon the trial of this action together with interest, as well as the costs and disbursements of this action.

Dated: New York, New York  
June 12, 2007

Yours, etc.,

LAW OFFICES OF GARY S. PARK

By:

Gary S. Park  
Attorneys for plaintiff  
60 E. 42<sup>nd</sup> Street, Suite 2231  
New York, NY 10165  
(212) 684-1422

**ATTORNEY VERIFICATION**

STATE OF NEW YORK )  
                       )  
                       SS.:  
COUNTY OF NEW YORK )

The undersigned, an attorney admitted to practice in the Courts of New York State, shows:

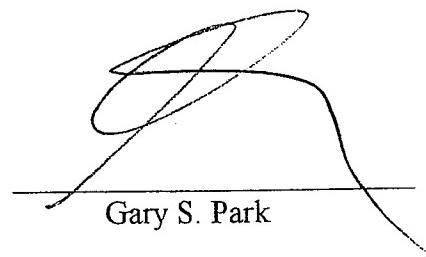
Affiant is the attorney of record for the plaintiff in the within action; Affiant has read the foregoing **SUMMONS AND VERIFIED COMPLAINT** and knows the contents thereof, the same is true to affiant's own knowledge, except as to the matters therein stated to be alleged upon information and belief and that as those matters, affiant believes it to be true. This verification is made by affiant and not by the plaintiff for the reason that plaintiff does not reside within the County where your affiant maintains his office.

The grounds of affiant's belief as to all those matters not stated upon affiant's knowledge are as follows:

Conversations with plaintiff and contents of affiant's file.

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: New York, New York  
June 12, 2007



Gary S. Park

Index No. 109245 Year 2007

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

JOAN DAWSON,

Plaintiff,

NEW YORK  
COUNTY CLERK'S OFFICE

-against-

NATIONAL RAILROAD PASSENGER  
CORPORATION d/b/a AMTRAK,

Defendant.

JUL 5 2007

NOT COMPARED  
WITH COPY FILE

## SUMMONS AND VERIFIED COMPLAINT

LAW OFFICES OF GARY S. PARK  
ATTORNEYS AT LAW

Attorneys for Plaintiff

60 East 42nd Street, Suite 2231  
New York, NY 10165

TELEPHONE: (212) 684-1422

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: .....

Signature.....

Print Signer's Name.....

Service of a copy of the within

is hereby admitted.

Dated: .....

Attorney(s) for

## PLEASE TAKE NOTICE

Check Applicable Box

NOTICE OF  
ENTRYthat the within is a (certified) true copy of a  
entered in the office of the clerk of the within named Court onNOTICE OF  
SETTLEMENTthat an Order of which the within is a true copy will be presented for settlement to the  
one of the judges of the within named Court,  
Hon. at , at M.

Dated:

LAW OFFICES OF GARY S. PARK  
ATTORNEYS AT LAW

Attorneys for

To:

60 East 42nd Street, Suite 2231  
New York, NY 10165